

REFERENCE TITLE: prisoner medical treatment; costs

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2341

Introduced by
Representatives Burns J: Alvarez, Barnes, Hershberger, Konopnicki, Senator
O'Halleran

AN ACT

AMENDING SECTION 31-201.01, ARIZONA REVISED STATUTES; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 31-201.01, Arizona Revised Statutes, is amended to
3 read:

4 31-201.01. Duties of the director; tort actions; medical
5 treatment costs; state immunity; definitions

6 A. The director shall hold in custody all persons sentenced to the
7 department under the law and shall hold such persons for the term directed by
8 the court, subject to law.

9 B. In addition to the medical and health services to be provided
10 pursuant to subsection D of this section, the director ~~may~~, in cooperation
11 with the department of health services, ~~MAY~~ provide to prisoners psychiatric
12 care and treatment pursuant to sections 31-226 and 31-226.01.

13 C. The director may institute and pursue programs ~~which~~ ~~THAT~~ promote
14 the rehabilitation of the prisoners in the director's charge.

15 D. The director shall provide medical and health services for the
16 prisoners. The director may contract for professional services to assist the
17 director in carrying out this responsibility on behalf of the state, ~~provided~~
18 ~~EXCEPT~~ that all records made and retained in connection with the services
19 provided by this subsection shall be made and retained only by duly
20 authorized or qualified medical and professional personnel and not by any
21 prisoner. Such records when not in use shall be retained in a safe and
22 secure place.

23 E. If a victim of a person for whom a cost of incarceration has been
24 calculated notifies the state that full restitution has not been made by the
25 person for whom a cost of incarceration has been calculated, the state shall
26 interplead with the superior court the disputed amount and set off the
27 amounts owed the state from the remaining obligation.

28 F. Any and all causes of action ~~which~~ ~~THAT~~ may arise out of tort
29 caused by the director, prison officers or employees of the department,
30 within the scope of their legal duty, shall run only against the state.

31 G. The director shall establish by rule reasonable medical and health
32 ~~service~~ ~~SERVICES~~ fees for the medical and health services that are provided
33 pursuant to subsection D of this section. Except as provided in subsection I
34 of this section, every inmate shall be charged a reasonable medical and
35 health services fee for each medical visit an inmate makes pursuant to a
36 health needs request form or for emergency treatment.

37 H. Except as provided in subsection I of this section, the director
38 may charge each inmate a reasonable fee for prescriptions, ~~medication~~
39 ~~MEDICATIONS~~ or prosthetic devices.

40 I. The director shall exempt the following inmates or medical visits
41 by inmates from payment of medical and health services fees and fees for
42 prescriptions, ~~medication~~ ~~MEDICATIONS~~ or prosthetic devices:

43 1. ~~INITIAL~~ medical visits ~~initiated by the medical or mental health~~
44 ~~staff of the department~~ ~~BY~~ ~~INMATES WHO ARE REFERRED BY A HEALTH CARE~~
45 ~~PROVIDER.~~

- 1 ~~2. Medical visits to a physician by inmates who are referred by a~~
2 ~~physician assistant or nurse practitioner.~~
3 2. INMATES WHO ARE HOUSED IN MEDICAL INPATIENT CARE UNITS OR EXTENDED
4 CARE UNITS.
5 3. Inmates ~~at reception centers~~ WHO UNDERGO MEDICAL ENTRY SCREENING ON
6 INTAKE.
7 4. Juvenile inmates.
8 5. Pregnant inmates.
9 6. Seriously mentally ill inmates WHO ARE HOUSED IN SPECIAL MENTAL
10 HEALTH TREATMENT UNITS. ~~For the purposes of this paragraph, "seriously~~
11 ~~mentally ill inmates" means inmates who as a result of a mental disorder as~~
12 ~~defined in section 36-501 exhibit emotional or behavioral functioning which~~
13 ~~is so impaired as to interfere substantially with their capacity to remain in~~
14 ~~the general prison population without supportive treatment or services of a~~
15 ~~long-term or indefinite duration and whose mental disability is severe and~~
16 ~~persistent, resulting in a long-term limitation of their functional~~
17 ~~capacities for primary activities of daily living, including interpersonal~~
18 ~~relationships, self-care, employment and recreation.~~
19 ~~7. Developmentally disabled inmates who are housed in a special~~
20 ~~programs unit.~~
21 ~~8. Inmates who are housed in unit 8 at the Florence prison facility.~~
22 ~~9. Inmates who are inpatients at the Alhambra prison facility special~~
23 ~~programs psychiatric hospital.~~
24 ~~10. Inmates who are inpatients at the Flamenco prison facility mental~~
25 ~~health treatment unit.~~
26 ~~11. Inmates who are undergoing administrative physical examinations for~~
27 ~~statewide driver status and fire fighting crews.~~
28 ~~12. Inmates who are undergoing follow up medical treatment for chronic~~
29 ~~diseases.~~
30 7. MENTAL HEALTH PROVIDER APPOINTMENTS.
31 8. ADMINISTRATIVE EXAMINATIONS OR PROCEDURES AS DEFINED BY DEPARTMENT
32 ORDER FOR PENOLOGICAL INTERESTS.
33 J. An inmate shall not be refused medical treatment for financial
34 reasons.
35 K. All monies received by the department for medical and health
36 ~~service~~ SERVICES fees shall be ~~deposited in the general fund~~ RETAINED IN AN
37 ACCOUNT ESTABLISHED BY THE DEPARTMENT OF ADMINISTRATION. THE STATE
38 DEPARTMENT OF CORRECTIONS MAY USE THESE MONIES WITHOUT APPROPRIATION FOR
39 HEALTH EDUCATION AND WELLNESS PROGRAMS.
40 L. A person who is convicted of a felony offense and who is
41 incarcerated while awaiting sentence or while serving a sentence imposed by a
42 court of law may not bring a cause of action seeking damages or equitable
43 relief from the state or its political subdivisions, agencies, officers or
44 employees for injuries suffered while in the custody of the state or its
45 political subdivisions or agencies unless the complaint alleges specific

1 facts from which the court may conclude that the plaintiff suffered serious
2 physical injury or the claim is authorized by a federal statute.

3 M. The director shall establish criteria for reasonable deductions
4 from monies credited to the prisoner's spendable account to repay the cost
5 of:

6 1. State property that the inmate wilfully damages or destroys during
7 the inmate's incarceration.

8 2. Medical treatment for injuries that the inmate inflicts on himself
9 or others.

10 3. Searching for and apprehending an inmate who escapes or attempts to
11 escape.

12 4. Quelling a riot or other disturbance in which the inmate is
13 unlawfully involved.

14 N. For THE purposes of this section:

15 1. "Reasonable fee" means an amount not to exceed five dollars.

16 2. "Serious physical injury" means an impairment of physical condition
17 that creates a substantial risk of death or that causes serious
18 disfigurement, prolonged impairment of health or prolonged loss or impairment
19 of the function of any bodily organ.